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SUMMARY RECORD OF THE FIRST PART (PUBLIC)* OF THE 431st MEETING

Held at the Palais des Nations, Geneva,
on Monday, 15 May 2000, at 3 p.m.

Chairman: Mr. BURNS

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* The summary record of the second part (closed) of the meeting appears as document CAT/C/SR.431/Add.1.

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GE.00-42214 (E)

The meeting was called to order at 3 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 19 OF THE CONVENTION (agenda item 7) (continued)

Initial report of the United States of America (continued) (CAT/C/28/Add.5)

Conclusions and recommendations of the Committee (CAT/C/XXIV/Concl.6)

1. At the invitation of the Chairman, the members of the delegation of the United States of America took places at the Committee table.

2. The CHAIRMAN (Country Rapporteur) read out the following conclusions and recommendations adopted by the Committee concerning the initial report of the United States of America:

"1. The Committee considered the initial report of the United States of America (CAT/C/28/Add.5) at its 424th, 427th and 431st meetings on 10, 11 and 15 May 2000 (CAT/C/SR.424, 427 and 431) and adopted the following conclusions and recommendations.

A. Introduction

2. The Committee welcomes the submission of the comprehensive initial report of the United States of America, which, although almost five years overdue, was prepared in full accordance with the guidelines of the Committee.

3. The Committee also thanks the State party for its sincere cooperation in its dialogue with the Committee and takes note of the information supplied in the extensive oral report.

B. Positive aspects

4. The Committee particularly welcomes the following:

(a) The extensive legal protection against torture and other cruel, inhuman or degrading treatment or punishment that exists in the State party and the efforts pursued by the authorities to achieve transparency of its institutions and practices;

(b) The broad legal recourse to compensation for victims of torture, whether or not such torture occurred in the United States of America;

(c) The introduction of executive regulations preventing refoulement of potential torture victims;

(d) The State party's contributions to the United Nations Voluntary Fund for Victims of Torture;

(e) The creation by executive order of an inter-agency working group to ensure coordination of federal efforts towards compliance with the obligations of the international human rights treaties to which the United States of America is a party;

(f) The assurances given by the delegation that universal criminal jurisdiction is assumed by the State party whenever an alleged torturer is found within its territory;

(g) The obviously genuine assurances of cooperation extended to the Committee by the delegation of the State party to ensure the observance of the Convention.

C. Subjects of concern

5. The Committee expresses its concern about:

(a) The failure of the State party to enact a federal crime of torture in terms consistent with article 1 of the Convention;

(b) The reservation lodged to article 16 in violation of the Convention, the effect of which is to limit the application of the Convention;

(c) The number of cases of police ill-treatment of civilians and of ill-treatment in prisons (including instances of inter-prisoner violence). Much of this ill-treatment by police and prison guards seems to be based upon discrimination;

(d) Alleged cases of sexual assault upon female detainees and prisoners by law enforcement officers and prison personnel. Female detainees and prisoners are also very often held in humiliating and degrading circumstances;

(e) The use of electro-shock devices and restraint chairs as methods of constraint that may violate the provisions of article 16 of the Convention;

(f) The excessively harsh regime of the 'super-maximum' prisons;

(g) The use of 'chain gangs', particularly in public;

(h) The legal action by prisoners seeking redress, which has been significantly restricted by the requirement of physical injury as a condition for bringing a successful action under the Prison Litigation Reform Act;

(i) The holding of minors (juveniles) with adults in the regular prison population.

D. Recommendations

6. The Committee recommends that the State party:

(a) Although it has taken many measures to ensure compliance with the provisions of the Convention, the State party should also enact a federal crime of torture in terms consistent with article 1 of the Convention and should withdraw its reservations, interpretations and understandings relating to the Convention;

(b) Take such steps as are necessary to ensure that those who violate the Convention are investigated, prosecuted and punished, especially those who are motivated by discriminatory purposes or sexual gratification;

(c) Abolish electro-shock stun belts and restraint chairs as methods of restraining those in custody. Their use almost invariably leads to breaches of article 16 of the Convention;

(d) Consider declaring in favour of article 22 of the Convention;

(e) Ensure that minors (juveniles) are not held in prison with the regular prison population;

(f) Submit the second periodic report by 19 November 2001."

3. Ms. SIM (United States of America) thanked the Committee on behalf of the United States Government for the time and effort it had devoted to the initial report of the United States and for the thoughtful questions it had put to her delegation. The conclusions and recommendations would be carefully studied by the United States authorities, who appreciated the importance of the reporting process and of the goal of preventing all forms of torture worldwide. She had taken due note of the date set for her country's next periodic report.

4. The CHAIRMAN commended the openness of the United States delegation and its willingness to enter into dialogue with the Committee.

5. The delegation of the United States of America withdrew.

The meeting was suspended at 3.10 p.m. and resumed at 3.30 p.m.

Initial report of Slovenia (CAT/C/24/Add.5)

6. At the invitation of the Chairman, the members of the delegation of Slovenia took places at the Committee table.

7. The CHAIRMAN invited the delegation of Slovenia to respond to the questions raised by members of the Committee at a previous meeting.

8. Mr. ZORE (Slovenia) thanked the Committee for its meticulous study of Slovenia's initial report, as indicated by its comments and questions.

9. With regard to the procedure for compiling the report, he said that the Inter-agency Commission for Human Rights had been assigned responsibility for collecting data and producing the preliminary draft, which was then reviewed and adopted by a number of government departments. The Inter-agency Commission was composed of representatives of the Ministries of Justice, the Interior, Defence, Health, Education, Science and Foreign Affairs, the governmental offices for minorities, immigration, refugees and women, the two Slovenian universities and the Office of the Human Rights Ombudsman as well as a number of independent experts and representatives of non-governmental organizations (NGOs). The Slovene branch of Amnesty International and the Legal and Information Centre for NGOs had been consulted and invited to the Commission's meetings. Part of the report had been written by the Institute for Criminal Law and Criminology. There were plans to publish both the report and the Committee's conclusions and recommendations.

10. The structure and work of the Office of the Human Rights Ombudsman, which had been established in September 1994, were regulated by article 159 of the Constitution, the Human Rights Ombudsman Act and the Office's rules of procedure. It currently operated on a staff of 24, including the Ombudsman and his three deputies. The Office was an autonomous expert monitoring service "responsible for the protection of human rights and fundamental freedoms in matters involving State bodies, local government bodies and statutory authorities" (article 159 of the Constitution). The Ombudsman was nominated by the President of the Republic, who reviewed the list of proposed candidates, and elected by Parliament. The Ombudsman performed his duties autonomously in accordance with the Constitution and international human rights treaties and submitted an annual report to Parliament. He could make suggestions and recommendations and submit opinions and criticism to State bodies, which were required to respond within a prescribed period. He also informed the general public and Parliament about his findings and any measures he felt should be taken. Furthermore, he could institute legal proceedings on the basis of petitions or on his own initiative. He conducted impartial and independent investigations, obtaining the views of all parties concerned. He did not, however, interfere in cases before the courts unless there had been a flagrant abuse of authority.

11. The Office of Complaints at the Prime Minister's Office had established the so-called "Vox" direct telephone line which was open to all members of the public 24 hours a day. However, since the establishment of the Office of the Ombudsman, the "Vox" line had been used less frequently and no longer played a prominent role in the complaints system.

12. Mr. PENKO (Slovenia) said that, although the Slovene Penal Code did not contain a specific definition of torture, every aspect of article 1 of the Convention was fully reflected in the country's domestic legislation. Moreover, it was questionable whether the incorporation of the Convention definition in Slovene law as a sui generis offence was feasible without a substantial overhaul of criminal legislation to avoid double or triple incrimination. The State party was convinced that every possible offence under article 1 of the Convention had been incorporated in the Penal Code as an ex officio prosecutable criminal act. The concept of mental suffering and harm had been included in respect of all such acts in a way that was sufficiently flexible to accommodate any case of torture under the Convention. As the legal system was currently

harmonious and transparent, the incorporation of an additional definition was unnecessary and could have the opposite effect to that intended. Nonetheless, the State party fully acknowledged the legal and moral importance of ensuring that the courts characterized any act that came within the Convention definition as torture rather than bodily harm or abuse of authority. To that end, the definition of torture had been included in the recently enacted Law on the Enforcement of Criminal Sanctions, which created a moral obligation for prison guards, prosecutors, judges and others to take the provisions of the Convention into consideration in their work. The Constitution and the Law on Judicial Service stipulated that judges were bound by the Constitution, by ratified international treaties and by domestic law. Their observance of the relevant provisions would be reflected in their judgements and in the gravity of the sentence handed down and the sanctions imposed.

13. Mr. KLEMENČIČ (Slovenia) acknowledged that there had been isolated cases of excessive use of force by the police. However, the number of such cases had been declining each year. Immediately after independence, the police force had continued to operate under the former Yugoslav legal provisions and training system. A determined effort had been made in recent years to introduce standards of policing comparable to those found in other democratic societies. A large proportion of the existing relatively small police force (fewer than 6,000 officers) had been recruited and trained after 1990. There had been changes in legislation, organization, recruitment, training, education and supervision. The new Police Act adopted in 1998 and its implementing regulations contained detailed provisions regarding the use of handcuffs, truncheons, physical force, etc. Arrest and detention procedures had been redefined. As a result, the number of complaints had decreased, as reflected in the Ombudsman's annual report. A person's ethnicity was not recorded in police proceedings or complaint procedures. Under the Constitution, the registering of ethnicity was viewed as a practice conducive to unequal treatment. Most police officers spoke Serbo-Croat fluently and fluency in another foreign language (English or German) was required. Officers working in areas with indigenous minorities were required to speak Italian or Hungarian. The new rules for arrest and detention, which included warnings and safeguards such as the right to counsel, to appeal and to medical assistance, had been published in different languages and were posted on the walls in police detention facilities.

14. A 1995 report on Slovenia by the European Committee for the Prevention of Torture (CPT), had drawn attention to the possible misuse of truncheons during arrests. Consequently, new regulations had been adopted, specifying the conditions under which truncheons could be used and requiring that all instances be reported, explained and documented. Moreover, the use of truncheons against passive resisters, children, pregnant women, the disabled and the mentally handicapped was banned. In 1999, only five people had complained of excessive police force involving the use of a truncheon, and in one case only had the police officer concerned been found guilty of improper conduct. Three such complaints had been made against prison guards. Similar implementing regulations on the use of handcuffs had been introduced in the light of the Ombudsman's report in 1997. Until that time, the use of handcuffs had not been systematically supervised or documented. The figures for 1999 showed that about one in five of the 17,000 people arrested and detained had been handcuffed, resulting in 66 complaints and 2 findings of improper police conduct. Prison guards had not used handcuffs at all. Police had

used force in 3,755 cases, resulting in 176 complaints, with 9 police officers receiving sanctions on the grounds of misuse or abuse of power. Finally, a new law on the enforcement of criminal sanctions adopted in 2000 contained detailed prescriptions on the use of force by prison guards.

15. In reply to questions raised by Ms. Gaer and Mr. Yakovlev, he supplied details, just received from his Government, on the three cases cited by Helsinki Watch. The first concerned Mr. Adžaj Ramo, a Yugoslav citizen resident in Slovenia since 1990. He had not attempted to renew his work permit, originally obtained in 1995, and had made frequent court appearances in connection with criminal acts and misdemeanours. Police and court records gave no indication that his right to appeal had been violated on any occasion. In January 2000, he had been arrested on an Interpol warrant and extradited to Italy to answer criminal charges. The second case concerned Mr. Sadik Kamalj, a Macedonian citizen who had lodged a complaint against the police after being arrested on the border with Croatia. An internal investigation revealed that no excessive force had been used, a decision corroborated subsequently by a judge in civil proceedings. The complainant alleged that his jewellery had been stolen by the police, but the inquiry established that he had in fact offered it as bail. The third case concerned Mr. Danko Brajdič, of Roma origin. Neither the police nor the courts had recorded any complaint against police violence made by him on the day cited by Helsinki Watch. However, on a different occasion he had lodged a complaint against excessive use of police force in connection with his arrest on a charge of avoiding prison sentence for acts committed in 1998. Following investigation by the police and the Ministry, that complaint had been dismissed on the basis of evidence provided by witnesses to the arrest.

16. In response to a point raised by Ms. Gaer, he said that although the frequency of complaints against police had increased in recent years, the number upheld had decreased. Such complaints currently received greater attention, for a number of reasons. Firstly, in response to a general demand for a more open and democratic society, the Government had established an independent police supervisory body and mandatory procedures requiring involvement of members of the public in complaints procedures. Secondly, every individual complaint against the police currently received extensive media coverage. Finally, the introduction in 1998 of a stricter road traffic act had led to a steep increase in complaints relating to traffic offences: over 65 per cent of all complaints against the police were traffic related, while only 20 per cent concerned public order and criminal offences.

17. The new law on the enforcement of criminal sanctions provided legal protection for any prisoner who claimed to have been subjected to torture or other forms of cruel, inhuman or degrading treatment. Such complaints were investigated by the public prosecutor, while the prison authorities were responsible for less serious offences. Appeals against the latter's decisions were lodged with the Ministry of Justice. To date, no prisoner had brought a complaint against prison authorities in connection with crimes that came within the purview of the Convention. In 1998, prisoners had brought 81 complaints in all against the prison authorities, another 33 being addressed to the Ombudsman. Fourteen had concerned excessive force, and 8 related to prison conditions. Prisoners' rights had been found to have been violated in 8.6 per cent of all cases. In the same year, prison guards had been found to have used excessive force in 2 of the 41 reported cases.

18. Turning to Ms. Gaer's question on the handling of complaints of torture or ill-treatment in the armed forces, he said that the complainant's immediate superior, typically a platoon commander, was obliged to report the alleged incident to his brigade commander, who then interrogated both subordinates before deciding on further action. Military personnel could also bypass their chain of command in order to bring a complaint, either by approaching the medical and psychological services, whose staff were civilians and reported directly to the Ministry of Defence, or by filing a complaint with the ombudsman, the police authorities or the State Prosecutor's office. The civilian police investigated all complaints of criminal offences committed within the armed forces.

19. Mr. PENKO (Slovenia), responding to a point raised by Mr. Yakovlev, said his Government recognized that the facilities offered by a number of police stations did not meet the required standards. Since 1994, following separate reports by CPT and the ombudsman, the Slovene Government had continuously increased the amount of funding specifically allocated for building and rehabilitating prison facilities. In some cases, individual police authorities had appealed independently to health and labour organizations for help in improving facilities. By 1999, most of the problems raised had been addressed, and new government regulations on the construction, renovation and maintenance of police facilities had been introduced. Renovation work was still continuing, particularly on the ageing and overcrowded buildings used for pre-trial detention. In 1999, the Government had invested US$ 2 million to replace the largest such facility in Ljubljana.

20. The answer to another question put by Ms. Gaer was that no instances of sexual violence by prison staff towards prisoners had been recorded. In the past five years, only three cases of sexual violence by prisoners towards prisoners had been identified, resulting in prompt investigation and prosecutions. The main reason for the low level of sexual violence in prisons was the relatively permissive regime, whose many benefits included unsupervised absences, and unsupervised visits during which sexual intercourse was allowed.

21. Concerning Ms. Gaer's question about psychiatric institutions, he was pleased to inform the Committee that a draft law on legal assistance and protection for patients in mental health institutions was currently before parliament. It would introduce significant improvements to the 1986 Non-contentious Proceedings Act and the 1996 Health Care Activities Act. The draft law, which ensured the right to legal representation and qualified medical surveillance for all patients in such institutions, was based on a Supreme Court decision which stipulated that psychiatric detention should be used as a last resort, when it represented the only means of preventing the patient from endangering his or another person's health or safety. In recent years, conditions at all psychiatric institutions had been improved, and efforts had been made to shorten the average stay, primarily through the use of extra-institutional medical care.

22. Mr. KLEMENČIČ (Slovenia), replying to a point raised by Ms. Gaer, said that closed-circuit television monitoring equipment had been installed at main police detention facilities in 1995, but had been removed shortly afterwards in response to claims that it represented an intrusion into detainees' privacy. The systems had been reinstalled only in 1999, following the conclusion of an agreement between the General Police Directorate and the Ministry of Justice stipulating that the use of video evidence must be confined to cases of alleged maltreatment of prisoners by prison authorities. All detainees must be informed that they were

under surveillance and, for their protection against self-incrimination, taped material could not be used against them in any judicial proceedings. Video surveillance equipment had been installed at 10 major police detention facilities, and work was under way at several others.

23. Audio equipment was used infrequently for interrogation purposes, in complex criminal cases and on the rare occasions when the police anticipated that a suspect would raise the issue of police maltreatment in court. However, the main factors conditioning the infrequent use of such an important means of preventing degrading and inhuman treatment during police interrogations were lack of resources and the Slovene criminal procedure, which stipulated that no verbal evidence given to police by a suspect or privileged witness, even in the presence of counsel, could be used in court. All complaints of mistreatment during police interrogation were investigated. In recent years, several measures had been introduced in order to minimize police abuse of power during interrogation and the incidence of frivolous complaints by prisoners. They included the strengthening of the right to legal representation during interrogation through new police acts and amendments to the Law on Criminal Procedure, the provision of government funding enabling the research institute of the College of Police Security Studies to conduct studies of police interrogation practice and produce recommendations on improving practice and also a project initiated jointly with the United Kingdom's Surrey police force, with a view to introducing compulsory audio-taping of interviews at the earliest opportunity. In all such initiatives, the main obstacle remained lack of funding.

24. The overcrowded conditions for asylum-seekers and the recent steep increase in the number of illegal immigrants noted by the Committee were matters of serious concern to the Government. Slovenia, which had opened its borders only quite recently, lacked the experience, facilities and legal provisions to deal with such problems. The situation had been aggravated by the conflict in the former Yugoslavia and by Slovenia's strategic position as an illegal transit point for those wishing to reach Western countries. In response to the situation, UNHCR, the European Union and certain NGOs had provided assistance, and in 1999 the Government had introduced two new laws, on asylum and on foreigners respectively, together with implementing regulations. Other instruments were still pending.

25. In 1994, some 4,000 persons had entered Slovenia illegally; by 1999, that figure had risen to 18,000, drawn mostly from countries of the former Eastern bloc and the Far East. Most asylum-seekers and aliens facing deportation were held in two centres, in accordance with new regulations which stipulated that they must not be held in police facilities or subjected to restrictions on their movement. Unfortunately, owing to lack of resources, both the asylum centre and the centre for the protection of aliens were located in the same building in Ljubljana. To cope with the inadequate and sometimes dangerous conditions, and the dramatic increase in the influx of aliens following the Kosovo crisis, the Government had built a new establishment for aliens in Pistojna which met international standards. However, owing to protests by the local community, the centre had remained closed. Urgent efforts were being made to relocate either asylum-seekers or aliens. The Government also attached high priority to training and recruitment programmes for the police who, owing to their lack of experience and comparatively small numbers, had been seriously overtaxed by the refugee crisis.

26. In answer to a question put by Mr. Yakovlev, he said that the provision in article 51 of the Aliens Act allowing derogation from the general rule on prohibition of expulsion or return in

the event of a threat to the individual's life or freedom had been modelled on almost identical wording contained in article 33 of the 1951 Convention relating to the Status of Refugees. While his Government recognized that those provisions might lead to a breach of article 3 of the Convention, a safety mechanism was provided by article 52 of the Aliens Act, which stated that the authorities could grant an alien permission to stay in Slovenia, provided the conditions satisfied the provisions of internal legislation or relevant international agreements. An applicant for asylum was thus free to invoke article 3 of the Convention. Permission was normally granted for six months, and could be extended as long as the original conditions pertained. Aliens who applied for asylum became subject immediately to the new Law on Asylum, which afforded them relatively privileged treatment by comparison with the Aliens Act. Provided an asylum-seeker had resided in Slovenia for two years, he could be granted asylum on humanitarian grounds. Finally, no one had ever been removed or deported from Slovenia on the basis of article 51 of the Aliens Act or article 61 of the new Law on Asylum.

27. Mr. ZORE (Slovenia), replying to questions raised about the treatment of ethnic groups within Slovene society, said that the Constitution guaranteed fundamental rights and freedoms to each individual regardless of national origin, race, sex, language, religion, political or other belief, financial status, birth, education, social status or any other personal circumstance, and considered all persons equal before the law. Breach of equality was an offence under the Criminal Code.

28. Slovene law stipulated that the status and rights of the Roma population should be regulated. Three laws were worthy of mention: the law on local self-government, which stipulated that Roma had the right to be represented in local representative bodies; the law on elections, which set out how those representatives should be elected; and the law on education, which regulated the education of Roma children. The Slovene Roma community was made up of three groups that had arrived in the country at different times and had settled in different regions, amounting to about 7,000 persons in all. A large Roma group was concentrated near the Hungarian border, another group had settled in the south near Croatia, and a third group, known as Sinti, had settled near Ljubljana. Those groups were not uniform, and their lifestyles, status, and degree of integration into Slovene society differed. In general, the Roma were more individualistic than the Slovene majority, less disciplined, and sometimes poorly adapted to the majority way of life. Those differences often gave rise to conflicts.

29. The Slovene Government had taken a number of concrete measures to facilitate the development of the Roma community. Government social agencies made efforts to ensure them certain minimal living conditions. The Ministry for Labour, the Family and Social Affairs organized and funded Roma-related programmes in conjunction with other government agencies, NGOs and Roma groups. Although Roma enjoyed the same rights to health care as other Slovene citizens, the level of care they received was lower, in particular in the area of preventive health. Often they simply did not take advantage of the health-care services available to them. The Government had called on health agencies to attempt to raise awareness of their health rights among Roma.

30. On entering nursery school or kindergarten, Roma children confronted a new language and a new set of social values. Efforts were made to facilitate their integration into school programmes. It had been determined that Roma children should be taught by Roma teachers

using Roma curricula, at least for the first few years of instruction. Programmes had been developed; unfortunately, their implementation was hampered by financial and other difficulties which the educational institutions concerned were doing their utmost to overcome.

31. According to Slovene experts, the difficult social and economic situation of the Roma was probably the root cause of their participation in criminal activity, which mostly involved offences against property, offences against public order and peace, and infringement of traffic regulations. The Roma living in the eastern part of the country were far less inclined to criminality than those in other areas. Their social, economic and health status was also better, in part owing to the continuous efforts of government agencies in that region.

32. One of the problems faced by the Slovene Government in tackling the problems of the Roma community was the lack of a joint strategy among government agencies. Owing to the complexity of the problem, immediate solutions should not be expected.

33. Shortly after the dissolution of the former Socialist Federal Republic of Yugoslavia, Slovenia had adopted an act offering citizenship to all citizens of the former country resident in Slovenia. Within six months, 100,000 persons, or 9 per cent of the current population of Slovenia, had accepted the offer. Since, however, a significant number had not applied for citizenship, in July 1999 the Slovene parliament had adopted an act to regularize their situation by offering them permanent residence status. Within three months, 16,000 people had applied In addition, the Ministry of the Interior was amending the citizenship act to adapt it to the provisions of the 1997 European Convention on Nationality.

34. Homosexuals and transsexuals enjoyed the same rights and freedoms as other citizens under the Constitution and other laws, and discrimination against them was forbidden by both the Constitution and the Penal Code. Such persons had their own associations, clubs, and magazines, and organized cultural events and exhibitions. No incidences of violence against those groups had been reported.

35. Replying to two questions raised by Mr. Mavrommatis, he said that the word "integrated" in paragraph 11 of the report was not intended to mean that the full text of the Convention was cited in the Constitution, but that all substantive provisions were fully incorporated therein. The report had been translated from the Slovenian: in the first sentence of paragraph 12, the words "revoke or restrict", would perhaps have been better translated as "limit or suspend".

36. The CHAIRMAN said that he had been astonished to find that the Web site of the Slovene Government contained information about its Human Rights Ombudsman in English. Also impressive was the fact that the Slovene Constitution contained protective provisions for a larger number of specified groups than any constitution with which he was thus far familiar.

37. Mr. YAKOVLEV commended the Slovene Government for its excellent and comprehensive answers to the Committee's questions. He still felt concern, however, about paragraph 27 of the report, which stated that the provisions of international treaties that could not, for one reason or another, be directly applied, must be normatively concretized in order to be applicable, in particular substantive criminal provisions. Further, paragraph 30 stated that since the Convention and its ratification act did not prescribe sufficiently defined sanctions, the

definition of torture contained in article 1 of the Convention could not be directly invoked and must be transformed into Slovene positive law. The Slovene delegation had explained that the definition had not been transformed into law because it might endanger the structure of the criminal law.

38. And yet, criminal law was the most conservative invention of the human mind. The general principles were unwavering, though the specific provisions were constantly changing as new evils emerged in the world. Moral obligation was insufficient: specific sanctions must be defined under the criminal law. Furthermore, torture was not simply bodily harm and the misuse of official power: article 1 of the Convention provided a far more nuanced definition. The report indicated that bodily harm included the notion of physical suffering: in his view, that was unsound.

39. As lawyers, members of the Committee could not simply reason that, since torture did not occur in Slovenia, a definition of torture was unnecessary: historical circumstances often changed suddenly and drastically.

40. Ms. GAER also commended the Government for its extensive and thorough replies. She was impressed by and interested in the process of preparing the report, in which government agencies, civil society, experts and NGOs had participated. Although she understood that Slovene legislation forbade records of ethnicity in prison populations, she hoped that the next report would contain information on discrimination against detainees of differing ethnic backgrounds.

41. The delegation of Slovenia withdrew.

The public part of the meeting rose at 4.50 p.m.